

Robert C. Fabian
2119 W. Bataan Dr.
Kettering Ohio 45420

Plaintiff

Case No _____

Judge _____

City of Dayton and
Dayton Police Dept.
and Liability Insurer

101 W. Third St
Dayton OH 45401

et al... Pleading

Complaint

What do you want from the Court?

I want the court to find the defendants have
violated my civil and constitutional rights
by ~~towing~~ having my vehicles towed without
due process

What do you want to happen?

I want to be compensated the
fair market value for my automobiles
and any other fees and or compensation
I am Due.

MANDATORY CONTACT INFORMATION

Name

Address

Address

Phone number

Robert C. Fabian
2119 W. Bataan Dr.
Kettering Ohio 45420
(937) 972-8762

2/14/25

RUNNING HEAD TITLE

In the Common Pleas Court of Montgomery County, Ohio

Civil Division

Robert Fabian

2119 W. Bataan Dr. Kettering
45420

(Plaintiff)

Judge

x _____

VS

Case

x _____

City of Dayton and

Dayton Police Dept.
101 W. Third St
Dayton OH 45401

Civil Complaint

On or around February 14, 2023 officer Tim Gould of the Dayton Police called for tow trucks from Sandys towing to remove my 2 motor vehicles , 1. 1984 Camaro Z28 Vin# 1G1A P87H3EN144557 and 2. 1995 Jeep Grand Cherokee Vin# 1J4GZ58S0SC755488 and 1 home made trailer loaded with material. I was working on the house at 506 Burkart and had

RUNNING HEAD TITLE
(SHORTENED)

2

permission from Terry Beasley who was the tax paying tenant, to park the vehicles There. I arrived at the same time as the tow trucks and informed the officer that I was going to move the vehicles then. I had friends to help move them on the way. The officer told me that I could not and when I asked why he said because the tow trucks were already dispatched when I told him that ^I~~he~~ wanted to talk to the drivers he told me no that I had to leave or face charges of obstruction. I wanted to just pay the drivers the required half price hook up fee that is applicable by law but the Officer threatened me with charges and i had no choice but to leave. I was never informed or contacted prior to this action and my vehicles were not stickered with any warnings. I talked to Terry and he said he was never given notice to remove the vehicles and I was certainly not . The Dayton police policy is to give a 10 day

RUNNING HEAD TITLE
(SHORTENED)

3

pp 10 **notice when the city wants vehicles removed. It is unlawful and violates the 14 amendment and the 4th amendment as well. Municipalities cannot take personal property without Due process of law. Police cant legally order a persons property taking to a tow companies yard and then wash there hands of it, letting the third party tow company to bill for storage and tow and even dispose of if a person is not able to pay. Contacting owner to bill him and demand payment in order to get his property back is not the same as notifying the owner of a hearing on the legality of the tow and storage as required by constitutional law. The supreme court has ruled on this matter and always upholds the constitutional rights of the owner and not the municipal ordinances put in place by small government. The city of Dayton ,and the Dayton Police in contract with Sandys towing have not adhered to the due**

RUNNING HEAD TITLE
(SHORTENED)

4

process of law nor have the complied with there own General

order of Towing Motor Vehicles. I am asking the
court to grant me compensation of full
market value + fees & cost

Sincerely ,

Rob Fabian